UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/586,403	05/24/2007	Laurence Rahme	00786/455003	1332	
21559 CLARK & ELI	7590 06/18/200 BING LLP	9	EXAMINER		
101 FEDERAL	STREET		ZEMAN, ROBERT A		
BOSTON, MA 02110			ART UNIT	PAPER NUMBER	
			1645		
			NOTIFICATION DATE	DELIVERY MODE	
			06/18/2009	ELECTRONIC	

## Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentadministrator@clarkelbing.com

	Application No.	Applicant(s)				
	10/586,403	RAHME ET AL.				
Office Action Summary	Examiner	Art Unit				
	ROBERT A. ZEMAN	1645				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence add	dress			
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 16(a). In no event, however, may a reply be tim ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	<b>J.</b> nely filed the mailing date of this co D (35 U.S.C. § 133).				
Status						
1)⊠ Responsive to communication(s) filed on <u>18 Ju</u>	lv 2006					
·= · · · · · · · · · · · · · · · · · ·	action is non-final.					
3) Since this application is in condition for allowar		secution as to the	merits is			
closed in accordance with the practice under <i>E</i>						
Disposition of Claims						
4)⊠ Claim(s) <u>1-19</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)☐ Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) 1-19 are subject to restriction and/or e	election requirement.					
Application Papers						
9) The specification is objected to by the Examine						
10) The drawing(s) filed on is/are: a) acce		Examiner				
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119		, , , , , , , , , , , , , , , , , , , ,	0 ,02.			
<u> </u>	maiorita condon 35 LLC C S 440(a)	(d) a. (f)				
12) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a)	-(a) or (t).				
a) All b) Some * c) None of:	have been received					
1. Certified copies of the priority documents		on No				
2. Certified copies of the priority documents		<u></u>	04			
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)						
1) Notice of References Cited (PTO-892)	4) Interview Summary					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08)	Paper No(s)/Mail Da 5) Notice of Informal P					
Paper No(s)/Mail Date	6) Other:	1 E				

Application/Control Number: 10/586,403 Page 2

Art Unit: 1645

## **DETAILED ACTION**

## Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-10, drawn to methods of identifying a candidate compound for treating, reducing or preventing a pathogenic infection comprising contacting a pathogenic cell with a candidate compound and measuring the production of a molecule.

Group II, claim(s) 11-19, drawn to methods of identifying a candidate compound for treating, reducing or preventing a pathogenic infection comprising contacting a population of pathogenic cells with a candidate compound; collecting supernatant from said pathogenic cells; contacting said supernatant with a second population of cells expressing a PqsH protein and measuring the production of HHQ in said second population of cells.

## Additional Election Requirement Applicable to Group I

In addition, Group I, detailed above, reads on multiple patentably distinct molecules. Each molecule is patentably distinct because they are structurally unrelated, and a further restriction is applied to said Group. Applicant must further elect a molecule that is measured (i.e. HAQ, HHQ or a derivative or precursor thereof). (See MPEP 803.04).

Applicant is advised that examination will be restricted to only the elected SEQ ID NO and combination (if applicable) and should not to be construed as a species election.

.

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Pursuant to 37 C.F.R. 1.475(d), the ISA/US considers that where multiple products and processes are claimed, the main invention shall consist of the first invention of the category first mentioned in the claims and the first recited invention of each of the other categories related thereto. Accordingly, the main invention (Group I) comprises the first recited **method**, methods of identifying a candidate compound for treating, reducing or preventing a pathogenic infection comprising contacting a pathogenic cell with a candidate compound and measuring the production of a molecule. Further pursuant to 37 C.F.R. 1.475(d), the ISA/US considers that any feature which the subsequently recited products and methods share with the main invention does

Art Unit: 1645

Application/Control Number: 10/586,403

not constitute a special technical feature within the meaning of PCT rule 13.2 and that each of such products and methods accordingly defines a separate invention.

The special technical feature of Group I is the specific method steps utilized and the specific molecule that is measured.

The special technical feature of Group II is the specific method steps utilized and the specific molecule that is measured (HHQ)

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT A. ZEMAN whose telephone number is (571)272-0866. The examiner can normally be reached on Monday- Thursday, 7am -5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Mondesi can be reached on (571) 272-0956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/586,403 Page 4

Art Unit: 1645

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert A. Zeman/ Primary Examiner, Art Unit 1645 June 15, 2009